

# SOUTHERN



November 19, 2021

US Department of Transportation, Docket Operations  
1200 New Jersey Avenue, SE,  
West Building Ground Floor, Room W12-140  
Washington, DC 20590

Sent via Electronic Mail

To whom it may concern,

Southern Airways Express, a scheduled 14 CFR Part 135 operator, hereby requests an exemption from 14 Code of Federal Regulations part 135.99(c)(4)(i) for Operations Specification A062. Specifically, due to the fact that we have autopilots installed on all of our aircraft, the Company has been issued Operations Specification A015 by the Administrator. Operations Specification A015 authorizes the use of an Autopilot in Lieu of a Second in Command provided the Pilot in Command (PIC) has satisfactorily completed the Proficiency Check Requirements of 14 CFR 135.297(g).

The section of the regulation that Southern Airways is requesting an exemption from is the requirement for a PIC to have been fully qualified to serve as a Pilot in Command for the certificate holder for at least the previous 6 calendar months before being qualified as a Mentor Pilot causing him/her to be unauthorized to operate with a Second in Command (SIC).

Southern Airways Express endeavors to operate at the highest level of safety for our employees and customers in accordance with guidance located in Flight Standards Information System (FSIMS) 8900.1, Volume 3, Chapter 28, Section 3.2261. Regulation 135.99(c)(4)(a) appears contrary to the FSIMS guidance. It is our Company's perception that two crewmembers in the cockpit is always better than having only one. Moreover, if a PIC is not authorized to fly with a SIC for the first six months after initial PIC qualification the Administrator via 14 CFR 135.99(c)(4)(i) is stating that a PIC with no experience in a specific aircraft is better off operating an aircraft without the benefit of Crew Resources Management (CRM). I can't believe that is the intent of this regulation and therefore once again request the exemption from 14 CFR 135.99(c)(4)(i).

In addition 14CFR 135.105(a) (Autopilot in Lieu of SIC) states that "no certificate holder may use any person, nor may any person serve, as a pilot in command under this section of an aircraft operated in a commuter operation, as defined in part 119 of this chapter unless that person has at least 100 hours pilot in command flight time in the make and model of aircraft to be flown and has met all other applicable requirements of this part." As the regulation is written, the PIC must have a SIC for the first 100 hours as acting PIC, yet as a Company, we are not authorized to assign a First Officer to fly with the green PIC for his/her first 6 months as a PIC in accordance with 14 CFR 135.99(c)(4)(i). Regulation 14 CFR 135.99(c)(4)(i) clearly contradicts 14CFR 135.105(a). How are we to accomplish compliance with this regulation for our new King Air fleet in the process of certification?

Additionally, should the Company elect, in the interest of safety, to assign a SIC to the flights for part 135 operations in the first 6 months and after the 100 hours are completed by the PIC, the second pilot crewmember is not part of the crew, may not manipulate the controls, operate the radios, log flight time, etc. The crewmember is, in fact, only a passenger and could cause the Company to be in violation of 14 CFR 135.113 which states that "no certificate holder may operate an aircraft type certificated after October 15, 1971, that has a passenger seating configuration, excluding any pilot seat, of more than eight seats if any person other than the pilot in command, a second in command, a company check airman, or an authorized representative of the Administrator, the National Transportation Safety Board, or the United States Postal Service occupies a pilot seat."

The exemption requested will benefit the flying public as a whole and allow Southern Airways Express to achieve its goal of operating at the highest level of safety. Utilizing SIC's along with PICs with autopilots installed in our aircraft will most certainly provide a higher level of safety versus requiring newly assigned PICs to operate as single pilots with less resources available to the inexperienced "green" pilot for the first 6 months. It is Southern Airways Express's belief that if the exemption is granted for 14 CFR 135.99(c)(4)(i) the result can only be perceived as a positive factor enhancing safety during all operations where a single pilot would have otherwise been assigned in accordance with the regulation.

Respectfully,



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Chief Operating Officer  
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